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光澤国際特許事務所

NO. 2885 P. 2

Our ref: KOY-30

Client's ref: F0999-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: N. GOTO : Art Unit: 1752  
Serial No. : 10/806,841 :  
Examined : March 23, 2004 : Examiner: T. Chea  
Title : PHOTOTHERMOGRAPHIC :  
IMAGING MATERIAL :  
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DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

I, Narito Goto, hereby declare and say as follows:

1. I presented the Declaration dated August 26, 2005 in this application.

2. I am aware that the Examiner is continuing to reject this application based on Biavasco (US 5,330,864), Fukui (US 2002/0102502) and Cerquone (US 4,021,240). Additional tests have been performed and are reported herein to demonstrate the differences between the photothermographic imaging material of Biavasco and the present invention. These tests were performed by myself or under my direct supervision and control.
3. Comparative sample 3-1 was prepared in accordance with Example 1 in col. 18 of Biavasco. Comparative sample 3-1 does not fall within the scope of claim 26 of this application since Comparative sample 3-1 does not include a yellow coloring leuco dye of Formula (YA) or a reducing agent of Formula (1).
4. Inventive sample 3-1 was prepared similar to Comparative sample 3-1, except that the reducing agent (tribenzylamine) was replaced by a combination of 1.02 grams of reducing agent (1-1) of the present invention (equivalent to reducing agent (1-4) on page 3 of Fukui) and 0.065 grams of yellow coloring leuco dye (YA-1) of the present invention (equivalent to yellow coloring leuco dye (2-3) on page 6 of Fukui).

5. Comparative sample 3-1 and Inventive sample 3-1 were evaluated for image density, silver color tone and storage stability after light irradiation in the manner described on pages 186-188 of this application. The evaluation results are illustrated in the attached Table 3.
6. As shown in Table 3, Inventive sample 3-1 prepared in accordance with the present invention is superior to Comparative sample 3-1 prepared in accordance with Example 1 of Biavasco. Specifically, Inventive sample 3-1 had a maximum density of 4.0, preferable tone which was similar to the standard sample (4.0 rating) and a slight change in tone after irradiation and storage (4.0 rating). In contrast, Comparative sample 3-1 had a lower maximum density of 2.3, undesirable tone which was different than the standard sample (1.0 rating) and noticeable changes in tone with increased photographic fog and density unevenness (1.0 rating).
7. Table 3 therefore shows that a superior photothermographic imaging material is produced when a yellow coloring leuco dye of Formula (YA) and a reducing agent of Formula (1) are used instead of the reducing agent of Biavasco.

8. In my August 26, 2005 Declaration, Comparative sample 1-1 was prepared in accordance with sample 1 of example 1 in Table 1 of Fukui, and Comparative sample 1-3 was prepared in accordance with sample 3 of example 1 in Table 1 of Fukui. Comparative sample 1-1 and Comparative sample 1-3 contained reducing agent (1-1) of Fukui (equivalent to reducing agent (2-1) on page 61 of the present invention) and yellow coloring leuco dye (2-3) of Fukui (equivalent to yellow coloring leuco dye (YA-1) on page 103 of the present invention). The attached Table 4 summarizes the test results for Comparative sample 1-1 and Comparative sample 1-3 from my August 26, 2005 Declaration. I believe that the data in Table 4 can be compared to the data in Table 3 because the results are based on the same test procedures.
9. I am of the opinion that Table 3 and Table 4 demonstrate that the present invention is surprising and unexpected because the results of the present invention are far superior to the results for Biavasco (Comparative sample 3-1) and Fukui (Comparative sample 1-1 and Comparative sample 1-3), even if the results were combined. For example, image storage stability for Biavasco (Comparative sample 3-1) is 1.0, image storage stability for Fukui (Comparative sample 1-1 and Comparative sample 3-1) is 2.5, but image

storage stability for the present invention (Inventive sample 3-1) is 4.0. Thus, I find these results surprising and unexpected.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

*Narito Goto*

Narito Goto

Dated: This 26th day of January , 2006.

Encl: Table 3  
Table 4



Table 3

	IMAGE DENSITY	SILVER COLOR TONE	IMAGE STORAGE STABILITY FOR LIGHT IRRADIATION
COMPARISON 3-1	2.9	1.0	1.0
SAMPLE 3-1	4.0	4.0	4.0

Table 4

	Image Density	Silver Color Tone	Image Storage Stability for Light Irradiation
Comparative 1-1	3.30	2.00	2.50
Comparative 1-3	3.30	2.50	2.50